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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/074,400	02/12/2002	Robert E. McCoy	P/79-3	7034	
7590 09/10/2004			EXAMINER		
Philip M. Wei	SS		GANTT,	ALAN T	
WEISS & WEI	SS				
500 OLD COUNTRY ROAD			ART UNIT	PAPER NUMBER	
GARDEN CITY, NY 11530			2684		
			DATE MAILED: 00/10/200	4	

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED SEP 1 7 2004 Technology Center 2600

	Application No.	Applicant(s)			
	10/074,400	MCCOY, ROBERT E:			
Office Action Summary	Examiner	Art Unit			
	Alan T. Gantt	2684			
The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondence address			
Period for Reply		n) 50 0 1 1			
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	6(a). In no event, however, may a reply be tim within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	ely filed swill be considered tirnely. the mailing date of this communication. O (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 12 Fe	bruary 2002.				
,,,,,,,,	action is non-final.				
3) Since this application is in condition for allowar					
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	3 O.G. 213.			
Disposition of Claims					
4)⊠ Claim(s) <u>1-4</u> is/are pending in the application.					
4a) Of the above claim(s) is/are withdrav	vn from consideration.				
5)⊠ Claim(s) <u>3 and 4</u> is/are allowed.					
6)⊠ Claim(s) <u>1</u> is/are rejected.					
7) Claim(s) 2 is/are objected to.	- alastian ramiramant				
8) Claim(s) are subject to restriction and/or	election requirement.				
Application Papers					
9)☐ The specification is objected to by the Examine	г.				
10)☐ The drawing(s) filed on is/are: a)☐ acce					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:					
1. Certified copies of the priority documents have been received.					
2. Certified copies of the priority documents have been received in Application No					
3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International Bureau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list	or the certified copies not receive	G.			
Attachment(s)	_				
1) Notice of References Cited (PTO-892)	4) Interview Summary Paper No(s)/Mail D				
<ul> <li>2) Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)</li> <li>Paper No(s)/Mail Date</li> </ul>	es Taylor Character	Patent Application (PTO-152)			
S. Patent and Trademark Office					

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Art Unit: 2684

## **DETAILED ACTION**

# Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleisher.

Regarding claim 1, Fleisher discloses a web-based measurement of advertising success that involves a navigable computer web site that includes an information storage and retrieval means linked to the computer site. An associated magazine displays promotions of various products and services. Each promotion has a unique program identifier associated with the promotion product or service. The user inputs into his computer the unique identifier relating to the particular promotion from the **printed publication** to access further information on the product. Details of the reader's access of that further information regarding the promotion are input to a data following entry of an appropriate personal identifier. This allows an advertiser placing a promotion to obtain real time feedback of the successful or otherwise of a promotion in quantitative terms (Abstract). Thus, Fleisher discloses:

a system for capturing and/or verifying convergence traffic driven to a web via non-web technologies comprising;

a transmitter source that has a sub carrier that is an identifier for a media source and all related advertisements; ( paragraph 0048 - the computer is the

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transmitter source and the web address and the unique identifier, as the subcarrier, that takes the user to the promotion site within the web site)

a receiving interface device which captures said media source that is actively being consumed by an occupant tuned to said source. (paragraphs 0048 and 0049 and Figure 1 [web number and web article after refs. 12 and 32])

# Allowable Subject Matter

Claims 3 and 4 allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 3 and 4, a device for and a method of placing a sideband signal or digital tag or watermark signal to each piece of content as related to capturing and / or verifying convergence traffic driven to a web site via non-web technologies was neither found, suggested, nor made evident by the prior art.

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 2, a transmitter source as a satellite or antenna which has a sub-carrier signal that identifies the non-web media source and all related advertisements was neither found, suggested nor made evident by the prior art.

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Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Kamada et al. discloses a method and device for obtaining audience data by using a

television set with an Internet connection function at the viewer.

Gardner, Sr. discloses an automated system and method for tracking on line activity to

initiate an information source which allows the evaluation of the effectiveness of advertisements

directing consumers to sites on the Internet.

Any inquiry concerning this communication from the examiner should be addressed to

Alan Gantt at telephone number (703) 305-0077. The examiner can normally be reached

between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703)

872-9306.

Any inquiry of a general nature or relating to this application should be directed to the

group receptionist at telephone number (703) 305-4700.

Alan T. Gantt

September 3, 2004

alan T. Dantt

# Notice of References Cited Application/Control No. 10/074,400 Examiner Alan T. Gantt Applicant(s)/Patent Under Reexamination MCCOY, ROBERT E. Art Unit Page 1 of 1

## **U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	Α	US-2003/0023511	01-2003	Gardner, Donald A. SR.	705/27
	В	US-2003/0056208	03-2003	KAMADA et al.	725/9
	C	US-2003/0014312	01-2003	Fleisher, Po-ling	705/14
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#### **FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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## **NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	x	is reference in not being furnished with this Office of the Constitution of the Consti

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).) Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.